

DRAWING AMENDMENTS

Enclosed with this Amendment is a proposed new drawing sheet containing new Fig. 22. Applicant submits that the proposed amendment does not add any new matter, as the subject matter shown in Fig. 22 was already discussed in the original specification. Upon acceptance of the proposed drawing amendments, Applicant will submit new formal drawings that include these amendments.

REMARKS

Reconsideration of the first Office action issued in connection with the above-identified patent application is requested in view of the foregoing amendments and the following remarks. Prior to entry of the above amendments, claims 1-5 were pending. In the first Office action, the drawing were objected to under 37 C.F.R. 1.83(a), and the claims were rejected under the judicially created doctrine of obviousness-type double patenting. By the above amendments, the specification is amended, claim 5 is amended to correct typographical errors, new claims 6-20 are added, and an annotated sheet containing a proposed new Fig. 22 is added.

The drawings were objected to in the first Office action under 37 C.F.R. 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the claims are objected to for failing to disclose an internal cavity that is within the body and in communication with at least one opening in the body. Applicant submits that the cited subject matter is disclosed in the present specification, (see, e.g., page 9, lines 4-6, and page 24, lines 3-5). However, Applicant acknowledges that the present drawings do not include a visual depiction that corresponds with the description that the body of the toys may include an internal cavity with at least one opening. In view of this discrepancy and the Examiner's objection to the drawings in view of the presently pending claims, Applicant proposes adding a new Fig. 22 in which the body of a toy according to the present disclosure is schematically illustrated to include an internal cavity with at least one opening. The specification has been amended on pages 7 and 9 to conform to the

inclusion of new Fig. 22. Applicant submits that no new matter was added by the above amendments to the specification and drawings. As discussed, the internal cavity with at least one opening was already discussed and disclosed in the specification prior to the amendments discussed herein.

As an additional basis for accepting the original drawings, Applicant refers the Examiner to Fig. 1 and page 24, lines 3-5, of the specification in which it is disclosed that the first and/or second portions 122 and 124 of the body may include fillable internal cavities.

Original claims 1-5 stand rejected under the judicially created policy of obviousness-type double patenting in view of claims 1-77 of Applicant's U.S. Patent No. 6,699,091. As expressed in the Office action, the pending claims are similar to the patented claims, except that they recite an internal cavity within the body and in communication with at least one opening in the body. Furthermore, the basis for the rejection is expressed as being that it would have been obvious to delete the features from the toys recited in the patent to make the toy more economical to produce.


Applicant respectfully requests reconsideration of the obviousness-type double patenting rejection. The presently pending claims recite structure that is not recited in the claims of the cited patent. For example, the presently pending claims recite that the toy has a body that includes a water-receiving internal cavity that is in communication with at least one opening in the body through which the water is selectively removed from the cavity. This subject matter is not recited in the claims of the cited patent. Accordingly,

Applicant respectfully requests reconsideration of the obviousness-type double patenting rejection because it follows that it would not be obvious to delete a feature that is not recited in the claims of the cited patent.

With the entry of the above amendments, and for the reasons stated, Applicant submits that all of the issues raised in the first Office action have been addressed and overcome. If the Examiner identifies any remaining issues, or if there are any questions that may be resolved in a telephone interview to advance prosecution of this application, the Examiner is invited to contact Applicant's undersigned attorney at the number listed below.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

A handwritten signature in black ink, appearing to read "David S. D'Ascenzo", is written over a horizontal line.

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